

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 490

Introduced by Assembly Member Steinberg

**(Coauthors: Assembly Members *Calderon*, *Cohn*, *Diaz*, *Frommer*,
Jackson, *Koretz*, *Laird*, *Lieber*, *Maldonado*, *Maze*, *Mullin*,
Negrete McLeod, and *Vargas*)**

(Coauthors: Senators *Alpert*, *Bowen*, *Kuehl*, *Perata*, *Romero*, *Scott*,
Soto, and *Vasconcellos*)

February 14, 2003

An act to amend Sections 48645.5, 48850, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, and 16000 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 490, as amended, Steinberg. Education: foster youth.

(1) Existing law requires a school district to accept for credit any coursework satisfactorily completed by a student while in juvenile court school or in any county or state-operated institution.

This bill would instead require a school district and county office of education to accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency.

(2) Existing law requires every county office of education to make available to agencies that place children in licensed children's

institutions information on educational options for children residing in licensed children's institutions within its jurisdiction. Existing law requires every agency that places a child in a licensed children's institution to notify the local educational agency at the time a pupil is placed and requires a local educational agency to invite at least one noneducational agency representative that has placement responsibility for a pupil residing in a licensed children's institution to collaborate with the local educational agency in the monitoring of a placement in a nonpublic, nonsectarian school or agency.

This bill would declare the Legislature's intent to ensure that pupils in foster care and those who are homeless, as defined by specified federal law, have a meaningful opportunity to meet the academic achievement standards to which all pupils are held, are placed in the least restrictive educational programs, and have access to the academic resources, services, and extracurricular and enrichment activities as all other pupils.

The bill would require pupils placed in licensed children's institutions or foster family homes to attend programs operated by the local educational agency except as provided. The bill would require the parent, guardian, or person holding the right to make educational decisions for the pupil to first consider placement of the pupil in the regular public school before any decision to place the pupil in a juvenile court school and would authorize disputes on the educational decisions or placement of the pupil to be brought to the juvenile court for resolution.

The bill would require each local educational agency to designate a staff person as the educational liaison for foster youth who are a ward or dependent child of the court, to ensure and facilitate the proper educational placement, enrollment in school, and transfer between schools of foster youth and to assist foster youth when transferring schools or school districts, and would impose various related responsibilities on the liaisons. The bill would require the local educational agency serving a foster youth, at the initial detention or placement, or any subsequent change in placement of the foster youth, to allow the foster youth to continue his or her education in the school the youth is currently attending for the duration of the school year, except as provided. The bill would require the State Department of Education and local educational agencies to adopt policies and procedures to ensure that, under certain situations, transportation for a



foster youth to and from the school the youth last attended is provided at the request of the liaison.

By imposing these additional duties involving foster youth upon local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a local educational agency with which a pupil in foster care has been most recently enrolled that has been informed of the next educational placement of the pupil to cooperate with the county social service or probation department to, upon request, ensure that the educational and other background record of the pupil, is transferred to the receiving local educational agency and the foster children services program in a timely manner.

This bill would delete those provisions and, instead, would provide that the timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county ~~social service or probation department~~ *placing agency*. The bill would require the ~~social worker or probation officer~~ *county placing agency*, as soon as the ~~social worker or probation officer~~ *it* becomes aware of the need to transfer the pupil between schools, to contact the appropriate person at the pupil's local educational agency regarding the transfer, ~~and would also require the social worker or probation officer to retrieve the appropriate educational information and school records of the pupil and immediately forward them to the pupil's next educational placement.~~ The bill would require the local educational agency, upon receiving the transfer request, to, within 2 business days, transfer the pupil and deliver the pupil's educational information and records to the next educational placement. By imposing a higher level of service on these local agencies, the bill would impose a state-mandated local program.

(4) Existing law prohibits a school district from permitting access to pupil records to any person without parental consent or without a judicial order, except under certain circumstances, including access by a probation officer or district attorney for the purposes of conducting a criminal investigation, or an investigation regarding the declaration of a person to be a ward of the court, or involving a violation of a condition of probation.

This bill would also authorize a school district to permit access to any ~~social worker for the purpose of conducting a child dependency investigation or preparing a case plan or court report required by law, or assisting with the school transfer or placement of a pupil~~ *county placing agency for the purpose of fulfilling the requirements of a certain*



health and education summary or fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or placement of a pupil.

(5) Existing law permits a foster parent to represent the foster child for the duration of the foster parent-foster child relationship in matters relating to public education of the foster child.

This bill would limit the representation to situations in which the foster child is placed in a planned permanent living arrangement and in which the juvenile court has limited the right of the parent or guardian to make educational decisions.

(6) Existing law authorizes a court to limit the control exercised over a minor by a parent or guardian in all cases where the minor is adjudged a ward or dependent child of the court and requires a court, if it does limit this control, to appoint a person to make educational decisions for the child.

This bill would authorize a court to resolve any dispute between the person appointed to make educational decisions for the child and the child's dependency or delinquency attorney, court-appointed special advocate, care provider, or placing agency regarding the child's educational and school placement decisions.

(7) Existing law requires area boards on developmental disabilities to, with the consent of the consumer and, when appropriate, a family member, conduct life quality assessments, as provided, with consumers living in out-of-home placements, supported living arrangements, or independent living arrangements. Existing law requires the area board to develop a report of its findings following each life quality assessment and to provide a copy of the report to the consumer, when appropriate, family members, and the regional center providing case management services to the consumer.

This bill would authorize a life quality assessment to be conducted with the consent of the juvenile court or social services agency if the consumer is a dependent of the juvenile court and would require the area board to provide a copy of the life quality assessment of that consumer, upon request, to the court or social services agency.

(8) This bill would further declare the intent of the Legislature to ensure that a pupil in foster care or who is homeless, as defined by specified federal law, has the opportunity to meet the academic achievement standards to which all pupils are held, is placed in the least restrictive educational programs, and has access to the academic



resources, services, and extracurricular and enrichment activities as all other pupils.

(9) The bill would also update cross-references and make conforming and other technical changes.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48645.5 of the Education Code is
2 amended to read:

3 48645.5. Each public school district and county office of
4 education shall accept for credit full or partial coursework
5 satisfactorily completed by a pupil while attending a public school,
6 juvenile court school, or nonpublic, nonsectarian school or
7 agency. The coursework shall be transferred by means of the
8 standard state transcript. If a pupil completes the graduation
9 requirements of his or her school district of residence while being
10 detained, the school district of residence shall issue to the pupil a
11 diploma from the school the pupil last attended before detention
12 or in the alternative, the county superintendent of schools may
13 issue the diploma.

14 SEC. 2. Section 48850 of the Education Code is amended to
15 read:

16 48850. (a) It is the intent of the Legislature to ensure that all
17 pupils in foster care and those who are homeless as defined by the
18 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
19 Sec. 11301 et seq.) have a meaningful opportunity to meet the
20 challenging state pupil academic achievement standards to which



1 all pupils are held. In fulfilling their responsibilities to these
2 pupils, educators, *county* placing agencies, ~~county probation~~
3 ~~officers, county social workers,~~ care providers, advocates, and the
4 juvenile courts shall work together to maintain stable school
5 placements and to ensure that each pupil is placed in the least
6 restrictive educational programs, and has access to the academic
7 resources, services, and extracurricular and enrichment activities
8 that are available to all pupils. In all instances, educational and
9 school placement decisions must be based on the best interests of
10 the child.

11 (b) Every county office of education shall make available to
12 agencies that place children in licensed children's institutions
13 information on educational options for children residing in
14 licensed children's institutions within the jurisdiction of the
15 county office of education for use by the placing agencies in
16 assisting parents and foster children to choose educational
17 placements.

18 (c) For purposes of individuals with exceptional needs residing
19 in licensed children's institutions, making a copy of the annual
20 service plan, prepared pursuant to subdivision (b) of Section
21 56205, available to those special education local plan areas that
22 have revised their local plans pursuant to Section 56836.03 shall
23 meet the requirements of subdivision (b).

24 SEC. 3. Section 48853 is added to the Education Code, to
25 read:

26 48853. (a) A pupil placed in a licensed children's institution
27 or foster family home shall attend programs operated by the local
28 educational agency, unless the pupil has an individualized
29 education program requiring placement in a nonpublic,
30 nonsectarian school or agency, or in another local educational
31 agency.

32 (b) Before any decision is made to place a pupil in a juvenile
33 court school as defined by Section 48645.1, the parent or guardian,
34 or the person holding the right to make educational decisions for
35 the pupil pursuant to Section 361 or 726 of the Welfare and
36 Institutions Code or Section 56055, shall first consider placement
37 in the regular public school. Any dispute between the person
38 holding the right to make educational decisions for the pupil and
39 the dependency or delinquency attorney of the pupil,
40 court-appointed special advocate, care provider, or placing agency

1 regarding the educational decisions or placement of the pupil in a
2 juvenile court school may be brought to the juvenile court for
3 resolution. In all instances, educational and school placement
4 decisions shall be based on the best interests of the child.

5 (c) If any dispute arises as to the school placement of a pupil
6 subject to this section, the pupil has the right to remain in his or her
7 school of origin, as defined in subdivision (d) of Section 48853.5,
8 pending resolution of the dispute.

9 SEC. 4. Section 48853.5 is added to the Education Code, to
10 read:

11 48853.5. (a) This section applies to any foster youth who has
12 been removed from his or her home ~~or~~, is the subject of a petition
13 filed under Section 300 or 602 of the Welfare and Institutions
14 Code, *or has been removed from his or her home and is the subject*
15 *of a petition filed under Section 300 or 602 of the Welfare and*
16 *Institutions Code.*

17 (b) Each local educational agency shall designate a staff person
18 as the educational liaison for foster youth. *In a school district that*
19 *operates a foster children services program pursuant to Chapter*
20 *11.3 (commencing with Section 42920) of Part 24, the educational*
21 *liaison shall be affiliated with the local foster children services*
22 *program.* The liaison shall do all of the following:

23 (1) Ensure and facilitate the proper educational placement,
24 enrollment in school, and checkout from school of foster youth.

25 (2) Assist foster youth when transferring from one school to
26 another or from one school district to another in ensuring proper
27 transfer of credits, records, and grades.

28 (c) (1) At the initial detention or placement, or any subsequent
29 change in placement of a foster youth, the local educational agency
30 serving the foster youth shall allow the foster youth to continue his
31 or her education in the school of origin for the duration of the
32 academic school year.

33 (2) The liaison, in consultation with and the agreement of the
34 foster youth and the person holding the right to make educational
35 decisions for the youth may, in accordance with the youth's best
36 interest, waive the youth's right to attend the school of origin and
37 enroll the youth in any public school that pupils living in the
38 attendance area in which the youth resides are eligible to attend.

39 (3) The State Department of Education and the local
40 educational agencies shall adopt policies and practices to ensure

1 that transportation is provided at the request of the liaison, in
2 consultation with and the agreement of the foster youth and the
3 person holding the right to make educational decisions for the
4 youth, to and from the school of origin, in accordance with the
5 following, as applicable:

6 (A) If the foster youth continues to live in the area served by the
7 local educational agency in which the school of origin is located,
8 the youth's transportation to and from the school of origin shall be
9 provided or arranged by the local educational agency in which the
10 school of origin is located.

11 (B) If the foster youth is living in an area served by another
12 local educational agency, the local educational agency of the
13 school of origin and the local educational agency serving the area
14 in which the foster youth is living shall agree upon a method to
15 apportion the responsibility and costs for providing the youth with
16 transportation to and from the school of origin. If the local
17 educational agencies are unable to agree upon the method of
18 apportionment, the responsibility and costs for transportation shall
19 be shared equally.

20 (4) Prior to making any recommendation to move a foster
21 youth from his or her school of origin, the liaison shall provide the
22 youth and the person holding the right to make educational
23 decisions for the youth with a written explanation stating the basis
24 for the recommendation and how this recommendation serves the
25 youth's best interest.

26 (5) (A) If the liaison in consultation with the foster youth and
27 the person holding the right to make educational decisions for the
28 youth agree that the best interests of the youth would be served by
29 his or her transfer to a school other than the school of origin, the
30 youth shall immediately be enrolled in the new school.

31 (B) The new school shall immediately enroll the foster youth
32 even if the youth is unable to produce records or clothing normally
33 required for enrollment, such as previous academic records,
34 medical records, proof of residency, other documentation, or
35 school uniforms.

36 (C) The liaison for the new school shall, within two business
37 days of the youth's request for enrollment, contact the school last
38 attended by the youth to obtain all academic and other records. The
39 school liaison for the school last attended shall provide all records



1 to the new school within two business days of receiving the
2 request.

3 (6) If any dispute arises regarding the request of a foster youth
4 to remain in the school of origin, the youth has the right to remain
5 in the school of origin pending resolution of the dispute.

6 (d) For purposes of this section, “school of origin” means the
7 school that the foster youth attended when permanently housed or
8 the school in which the youth was last enrolled.

9 SEC. 5. Section 49069.5 of the Education Code is amended
10 to read:

11 49069.5. (a) The Legislature finds and declares that the
12 mobility of pupils in foster care often disrupts their educational
13 experience. The Legislature also finds that efficient transfer
14 procedures and transfer of pupil records is a critical factor in the
15 swift placement of foster children in educational settings.

16 (b) The proper and timely transfer between schools of ~~a pupil~~
17 ~~pupils~~ in foster care ~~that are in out-of-home care~~ is the
18 responsibility of both the local educational agency ~~is the county~~
19 ~~social service or probation department~~ *and the county placing*
20 *agency.*

21 (c) As soon as the ~~social worker or probation officer~~ *county*
22 *placing agency* becomes aware of the need to transfer a pupil in
23 foster care out of his or her current school, the ~~social worker or~~
24 ~~probation officer~~ *county placing agency* shall contact the
25 appropriate person at the local educational agency of the pupil.
26 The ~~social worker or probation officer~~ *county placing agency* shall
27 notify the local educational agency *of the date* that the pupil will
28 be leaving the school and request that the pupil be transferred out.
29 ~~No later than two business days after the initial request, the social~~
30 ~~worker or probation officer shall retrieve the appropriate~~
31 ~~educational information and school records and immediately~~
32 ~~forward the information and records to the next educational~~
33 ~~placement of the pupil.~~

34 (d) Upon receiving a transfer request from a ~~social worker or~~
35 ~~probation officer~~ *county placing agency*, the local educational
36 agency shall, within two business days, transfer the pupil out of
37 school and deliver the educational information and records of the
38 pupil to the next educational placement.

39 (e) As part of the transfer process described under subdivisions
40 (c) and (d), the local educational agency shall compile the

1 complete educational record of the pupil including a determination
2 of seat time, full or partial credits earned, current classes and
3 grades, immunization and other records, and, if applicable, a copy
4 of the pupil's plan adopted pursuant to Section 504 of the federal
5 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or
6 individualized education program adopted pursuant to the federal
7 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
8 et seq.).

9 (f) The local educational agency shall assign the duties listed in
10 this section to a person competent to handle the transfer procedure
11 and aware of the specific educational record keeping needs of
12 homeless, foster, and other transient children who transfer
13 between schools.

14 (g) The local educational agency shall ensure that if the pupil
15 in foster care is absent from school due to a decision to change the
16 placement of a pupil made by a court or placing agency, the grades
17 and credits of the pupil will be calculated as of the date the pupil
18 left school, and no lowering of grades will occur as a result of the
19 absence of the pupil under these circumstances.

20 (h) The local educational agency shall ensure that if the pupil
21 in foster care is absent from school due to a verified court
22 appearance or related court ordered activity, no lowering of his or
23 her grades will occur as a result of the absence of the pupil under
24 these circumstances.

25 SEC. 6. Section 49076 of the Education Code is amended to
26 read:

27 49076. A school district is not authorized to permit access to
28 pupil records to any person without written parental consent or
29 under judicial order except that:

30 (a) Access to those particular records relevant to the legitimate
31 educational interests of the requester shall be permitted to the
32 following:

33 (1) School officials and employees of the district, members of
34 a school attendance review board appointed pursuant to Section
35 48321, and any volunteer aide, 18 years of age or older, who has
36 been investigated, selected, and trained by a school attendance
37 review board for the purpose of providing followup services to
38 pupils referred to the school attendance review board, provided
39 that the person has a legitimate educational interest to inspect a
40 record.



1 (2) Officials and employees of other public schools or school
2 systems, including local, county, or state correctional facilities
3 where educational programs leading to high school graduation are
4 provided or where the pupil intends to or is directed to enroll,
5 subject to the rights of parents as provided in Section 49068.

6 (3) Authorized representatives of the Comptroller General of
7 the United States, the Secretary of Education, and administrative
8 head of an education agency, state education officials, or their
9 respective designees, or the United States Office of Civil Rights,
10 where the information is necessary to audit or evaluate a state or
11 federally supported education program or pursuant to a federal or
12 state law, provided that except when collection of personally
13 identifiable information is specifically authorized by federal law,
14 any data collected by those officials shall be protected in a manner
15 which will not permit the personal identification of pupils or their
16 parents by other than those officials, and any personally
17 identifiable data shall be destroyed when no longer needed for the
18 audit, evaluation, and enforcement of federal legal requirements.

19 (4) Other state and local officials to the extent that information
20 is specifically required to be reported pursuant to state law adopted
21 prior to November 19, 1974.

22 (5) Parents of a pupil 18 years of age or older who is a
23 dependent as defined in Section 152 of the Internal Revenue Code
24 of 1954.

25 (6) A pupil 16 years of age or older or having completed the
26 10th grade who requests access.

27 (7) Any district attorney who is participating in or conducting
28 a truancy mediation program pursuant to Section 48263.5, or
29 Section 601.3 of the Welfare and Institutions Code, or
30 participating in the presentation of evidence in a truancy petition
31 pursuant to Section 681 of the Welfare and Institutions Code.

32 (8) A prosecuting agency for consideration against a parent or
33 guardian for failure to comply with the Compulsory Education
34 Law (Chapter 2 (commencing with Section 48200) of Part 27) or
35 with Compulsory Continuation Education (Chapter 3
36 (commencing with Section 48400) of Part 27).

37 (9) Any probation officer or district attorney for the purposes
38 of conducting a criminal investigation or an investigation in
39 regards to declaring a person a ward of the court or involving a
40 violation of a condition of probation.

(10) Any judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. A school district releasing pupil information to a judge or probation officer pursuant to this paragraph shall inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information.

~~(11) Any social worker for the purpose of conducting an investigation pursuant to Section 300 of the Welfare and Institutions Code or preparing a case plan or court report required by law, or assisting with the school transfer or placement of a pupil.~~

(11) Any county placing agency for the purpose of fulfilling the requirements of the health and education summary required pursuant to Section 16010 of the Welfare and Institutions Code or for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or enrollment of a pupil. School districts and county child protection agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by electronic mail, facsimile, electronic format, or other secure means.

(b) School districts may release information from pupil records to the following:

(1) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons.

(2) Agencies or organizations in connection with the application of a pupil for, or receipt of, financial aid. However, information permitting the personal identification of a pupil or his or her parents may be disclosed only as may be necessary for purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(3) The county elections official, for the purpose of identifying pupils eligible to register to vote, and for conducting programs to offer pupils an opportunity to register to vote. The information,

1 however, shall not be used for any other purpose or given or
2 transferred to any other person or agency.

3 (4) Accrediting associations in order to carry out their
4 accrediting functions.

5 (5) Organizations conducting studies for, or on behalf of,
6 educational agencies or institutions for the purpose of developing,
7 validating, or administering predictive tests, administering student
8 aid programs, and improving instruction, if the studies are
9 conducted in a manner that will not permit the personal
10 identification of pupils or their parents by persons other than
11 representatives of the organizations and the information will be
12 destroyed when no longer needed for the purpose for which it is
13 obtained.

14 (6) Officials and employees of private schools or school
15 systems where the pupil is enrolled or intends to enroll, subject to
16 the rights of parents as provided in Section 49068. This
17 information shall be in addition to the pupil's permanent record
18 transferred pursuant to Section 49068.

19 A person, persons, agency, or organization permitted access to
20 pupil records pursuant to this section may not permit access to any
21 information obtained from those records by any other person,
22 persons, agency, or organization without the written consent of the
23 pupil's parent. However, this paragraph does not require prior
24 parental consent when information obtained pursuant to this
25 section is shared with other persons within the educational
26 institution, agency, or organization obtaining access, so long as
27 those persons have a legitimate interest in the information.

28 (c) Notwithstanding any other provision of law, any school
29 district, including any county office of education or
30 superintendent of schools, may participate in an interagency data
31 information system that permits access to a computerized database
32 system within and between governmental agencies or districts as
33 to information or records which are nonprivileged, and where
34 release is authorized as to the requesting agency under state or
35 federal law or regulation, if each of the following requirements are
36 met:

37 (1) Each agency and school district shall develop security
38 procedures or devices by which unauthorized personnel cannot
39 access data contained in the system.

(2) Each agency and school district shall develop procedures or devices to secure privileged or confidential data from unauthorized disclosure.

(3) Each school district shall comply with the access log requirements of Section 49064.

(4) The right of access granted shall not include the right to add, delete, or alter data without the written permission of the agency holding the data.

(5) An agency or school district may not make public or otherwise release information on an individual contained in the database where the information is protected from disclosure or release as to the requesting agency by state or federal law or regulation.

SEC. 7. Section 56055 of the Education Code is amended to read:

56055. (a) (1) Except as provided in subdivisions (b), (c), and (d), a foster parent may exercise, to the extent permitted by federal law, including, but not limited to, Section 300.20 of Title 34 of the Code of Federal Regulations, the rights related to his or her foster child's education that a parent has under Title 20 (commencing with Section 1400) of the United States Code and pursuant to Part 300 (commencing with Section 300.1) of Title 34 of the Code of Federal Regulations. The foster parent may represent the foster child for the duration of the foster parent-foster child relationship in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising an individualized education program, if necessary, and in all other matters relating to the provision of a free appropriate public education of the child. Notwithstanding any other provision of law, this representation shall include the provision of written consent to the individualized education program, including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to this chapter. The foster parent may sign any consent relating to individualized education program purposes.

(2) A foster parent exercising rights relative to a foster child under this section may consult with the parent or guardian of the child to ensure continuity of health, mental health, or other services.

1 (b) A foster parent who had been excluded by court order from
2 making educational decisions on behalf of a pupil does not have
3 the rights relative to the pupil set forth in subdivision (a).

4 (c) This section only applies if the juvenile court has limited the
5 right of the parent or guardian to make educational decisions on
6 behalf of the child, and the child has been placed in a planned
7 permanent living arrangement pursuant to paragraph (3) of
8 subdivision (g) of Section 366.21, Section 366.22, or Section
9 366.26 of the Welfare and Institutions Code.

10 (d) For purposes of this section, a foster parent shall include a
11 person, relative caretaker, or nonrelative extended family member
12 as defined in Section 362.7 of the Welfare and Institutions Code,
13 who has been licensed or approved by the county welfare *or*
14 *probation* department, or has been approved by the juvenile court.

15 SEC. 8. Section 361 of the Welfare and Institutions Code is
16 amended to read:

17 361. (a) In all cases in which a minor is adjudged a dependent
18 child of the court on the ground that the minor is a person described
19 by Section 300, the court may limit the control to be exercised over
20 the dependent child by any parent or guardian and shall by its order
21 clearly and specifically set forth all those limitations. Any
22 limitation on the right of the parent or guardian to make
23 educational decisions for the child shall be specifically addressed
24 in the court order. The limitations may not exceed those necessary
25 to protect the child. If the court specifically limits the right of the
26 parent or guardian to make educational decisions for the child, the
27 court shall at the same time appoint a responsible adult to make
28 educational decisions for the child until one of the following
29 occurs:

30 (1) The minor reaches 18 years of age, unless the child chooses
31 not to make educational decisions for himself or herself, or is
32 deemed by the court to be incompetent.

33 (2) Another responsible adult is appointed to make educational
34 decisions for the minor pursuant to this section.

35 (3) The right of the parent or guardian to make educational
36 decisions for the minor is fully restored.

37 (4) A successor guardian or conservator is appointed.

38 (5) The child is placed into a planned permanent living
39 arrangement pursuant to paragraph (3) of subdivision (g) of
40 Section 366.21, Section 366.22, or Section 366.26, at which time

1 the foster parent, relative caretaker, or nonrelative extended family
2 member as defined in Section 362.7 has the right to represent the
3 child in educational matters pursuant to Section 56055 of the
4 Education Code.

5 An individual who would have a conflict of interest in
6 representing the child may not be appointed to make educational
7 decisions. For purposes of this section, “an individual who would
8 have a conflict of interest,” means a person having any interests
9 that might restrict or bias his or her ability to make educational
10 decisions, including, but not limited to, those conflicts of interest
11 prohibited by Section 1126 of the Government Code, and the
12 receipt of compensation or attorneys’ fees for the provision of
13 services pursuant to this section. A foster parent may not be
14 deemed to have a conflict of interest solely because he or she
15 receives compensation for the provision of services pursuant to
16 this section.

17 Any dispute between the person appointed to make educational
18 decisions for the child and the child’s dependency or delinquency
19 attorney, court-appointed special advocate, care provider, or
20 placing agency regarding educational and school placement
21 decisions concerning the child may be resolved by the juvenile
22 court. If the court is unable to appoint a responsible adult to make
23 educational decisions for the child, the court may, with input from
24 any interested persons, make educational and school placement
25 decisions concerning the child. All educational and school
26 placement decisions shall seek to ensure that the child is in the least
27 restrictive educational programs and has access to the academic
28 resources, services, and extracurricular and enrichment activities
29 that are available to all pupils. In all instances, educational and
30 school placement decisions shall be based on the best interests of
31 the child.

32 (b) Subdivision (a) does not limit the ability of a parent to
33 voluntarily relinquish his or her child to the State Department of
34 Social Services or to a licensed county adoption agency at any time
35 while the child is a dependent child of the juvenile court, if the
36 department or agency is willing to accept the relinquishment.

37 (c) A dependent child may not be taken from the physical
38 custody of his or her parents or guardian or guardians with whom
39 the child resides at the time the petition was initiated, unless the



1 juvenile court finds clear and convincing evidence of any of the
2 following:

3 (1) There is a substantial danger to the physical health, safety,
4 protection, or physical or emotional well-being of the minor or
5 would be if the minor were returned home, and there are no
6 reasonable means by which the minor's physical health can be
7 protected without removing the minor from the minor's parents'
8 or guardians' physical custody. The fact that a minor has been
9 adjudicated a dependent child of the court pursuant to subdivision
10 (e) of Section 300 shall constitute prima facie evidence that the
11 minor cannot be safely left in the custody of the parent or guardian
12 with whom the minor resided at the time of injury. The court shall
13 consider, as a reasonable means to protect the minor, the option of
14 removing an offending parent or guardian from the home. The
15 court shall also consider, as a reasonable means to protect the
16 minor, allowing a nonoffending parent or guardian to retain
17 custody as long as that parent or guardian presents a plan
18 acceptable to the court demonstrating that he or she will be able to
19 protect the child from future harm.

20 (2) The parent or guardian of the minor is unwilling to have
21 physical custody of the minor, and the parent or guardian has been
22 notified that if the minor remains out of their physical custody for
23 the period specified in Section 366.25 or 366.26, the minor may
24 be declared permanently free from their custody and control.

25 (3) The minor is suffering severe emotional damage, as
26 indicated by extreme anxiety, depression, withdrawal, or
27 untoward aggressive behavior toward himself or herself or others,
28 and there are no reasonable means by which the minor's emotional
29 health may be protected without removing the minor from the
30 physical custody of his or her parent or guardian.

31 (4) The minor or a sibling of the minor has been sexually
32 abused, or is deemed to be at substantial risk of being sexually
33 abused, by a parent, guardian, or member of his or her household,
34 or other person known to his or her parent, and there are no
35 reasonable means by which the minor can be protected from
36 further sexual abuse or a substantial risk of sexual abuse without
37 removing the minor from his or her parent or guardian, or the
38 minor does not wish to return to his or her parent or guardian.

39 (5) The minor has been left without any provision for his or her
40 support, or a parent who has been incarcerated or institutionalized

1 cannot arrange for the care of the minor, or a relative or other adult
2 custodian with whom the child has been left by the parent is
3 unwilling or unable to provide care or support for the child and the
4 whereabouts of the parent is unknown and reasonable efforts to
5 locate him or her have been unsuccessful.

6 (d) The court shall make a determination as to whether
7 reasonable efforts were made to prevent or to eliminate the need
8 for removal of the minor from his or her home or, if the minor is
9 removed for one of the reasons stated in paragraph (5) of
10 subdivision (c), whether it was reasonable under the circumstances
11 not to make any of those efforts. The court shall state the facts on
12 which the decision to remove the minor is based.

13 (e) The court shall make all of the findings required by
14 subdivision (a) of Section 366 in either of the following
15 circumstances:

16 (1) The minor has been taken from the custody of his or her
17 parent or guardian and has been living in an out-of-home
18 placement pursuant to Section 319.

19 (2) The minor has been living in a voluntary out-of-home
20 placement pursuant to Section 16507.4.

21 SEC. 9. Section 366.27 of the Welfare and Institutions Code
22 is amended to read:

23 366.27. (a) If a court, pursuant to paragraph (3) of
24 subdivision (g) of Section 366.21, Section 366.22, or Section
25 366.26, orders the placement of a minor in a planned permanent
26 living arrangement with a relative, the court may authorize the
27 relative to provide the same legal consent for the minor's medical,
28 surgical, and dental care, ~~and education~~ as the custodial parent of
29 the minor.

30 (b) If a court orders the placement of a minor in a planned
31 permanent living arrangement with a foster parent, relative
32 caretaker, or nonrelative extended family member as defined in
33 Section 362.7, the court may limit the right of the minor's parent
34 or guardian to make educational decisions on the minor's behalf,
35 so that the foster parent, relative caretaker, or nonrelative extended
36 family member may exercise the educational consent duties
37 pursuant to Section 56055 of the Education Code.

38 (c) If a court orders the placement of a minor in a planned
39 permanent living arrangement, for purposes of this section, a
40 foster parent shall include a person, relative caretaker, or a

1 nonrelative extended family member as defined in Section 362.7,
2 who has been licensed or approved by the county welfare *or*
3 *probation* department, or has been approved by the juvenile court.

4 SEC. 10. Section 726 of the Welfare and Institutions Code is
5 amended to read:

6 726. (a) In all cases in which a minor is adjudged a ward or
7 dependent child of the court, the court may limit the control to be
8 exercised over the ward or dependent child by any parent or
9 guardian and shall in its order, clearly and specifically set forth all
10 those limitations, but no ward or dependent child shall be taken
11 from the physical custody of a parent or guardian, unless upon the
12 hearing the court finds one of the following facts:

13 (1) That the parent or guardian is incapable of providing or has
14 failed or neglected to provide proper maintenance, training, and
15 education for the minor.

16 (2) That the minor has been tried on probation while in custody
17 and has failed to reform.

18 (3) That the welfare of the minor requires that custody be taken
19 from the minor's parent or guardian.

20 (b) Whenever the court specifically limits the right of the
21 parent or guardian to make educational decisions for the minor, the
22 court shall at the same time appoint a responsible adult to make
23 educational decisions for the child until one of the following
24 occurs:

25 (1) The minor reaches 18 years of age, unless the child
26 chooses not to make educational decisions for himself or herself,
27 or is deemed by the court to be incompetent.

28 (2) Another responsible adult is appointed to make educational
29 decisions for the minor pursuant to this section.

30 (3) The right of the parent or guardian to make educational
31 decisions for the minor is fully restored.

32 (4) A successor guardian or conservator is appointed.

33 (5) The child is placed into a planned permanent living
34 arrangement pursuant to paragraph (3) of subdivision (g) of
35 Section 366.21, Section 366.22, Section 366.26, or paragraph (5)
36 or (6) of subdivision (b) of Section 727.3, at which time the foster
37 parent, relative caretaker, or nonrelative extended family member
38 as defined in Section 362.7 has the right to represent the child in
39 educational matters pursuant to Section 56055 of the Education
40 Code.

1 An individual who would have a conflict of interest in
2 representing the child, as specified under federal regulations, may
3 not be appointed to make educational decisions. For purposes of
4 this section, “an individual who would have a conflict of interest,”
5 means a person having any interests that might restrict or bias his
6 or her ability to make educational decisions, including, but not
7 limited to, those conflicts of interest prohibited by Section 1126 of
8 the Government Code, and the receipt of compensation or
9 attorneys’ fees for the provision of services pursuant to this
10 section. A foster parent may not be deemed to have a conflict of
11 interest solely because he or she receives compensation for the
12 provision of services pursuant to this section.

13 Any dispute between the person appointed to make educational
14 decisions for the child and the child’s dependency or delinquency
15 attorney, court-appointed special advocate, care provider, or
16 placing agency regarding educational and school placement
17 decisions concerning the child may be resolved by the juvenile
18 court. If the court is unable to appoint a responsible adult to make
19 educational decisions for the child, the court may, with input from
20 any interested persons, make educational and school placement
21 decisions concerning the child. All educational and school
22 placement decisions shall seek to ensure that the child is in the least
23 restrictive educational programs and has access to the academic
24 resources, services, and extracurricular and enrichment activities
25 that are available to all pupils. In all instances, educational and
26 school placement decisions shall be based on the best interests of
27 the child.

28 (c) If the minor is removed from the physical custody of his or
29 her parent or guardian as the result of an order of wardship made
30 pursuant to Section 602, the order shall specify that the minor may
31 not be held in physical confinement for a period in excess of the
32 maximum term of imprisonment which could be imposed upon an
33 adult convicted of the offense or offenses which brought or
34 continued the minor under the jurisdiction of the juvenile court.

35 As used in this section and in Section 731, “maximum term of
36 imprisonment” means the longest of the three time periods set
37 forth in paragraph (2) of subdivision (a) of Section 1170 of the
38 Penal Code, but without the need to follow the provisions of
39 subdivision (b) of Section 1170 of the Penal Code or to consider
40 time for good behavior or participation pursuant to Sections 2930,



2931, and 2932 of the Penal Code, plus enhancements which must be proven if pled.

If the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, including previously sustained petitions adjudging the minor a ward within Section 602, the “maximum term of imprisonment” shall be the aggregate term of imprisonment specified in subdivision (a) of Section 1170.1 of the Penal Code, which includes any additional term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1 of the Penal Code, and Section 11370.2 of the Health and Safety Code.

If the charged offense is a misdemeanor or a felony not included within the scope of Section 1170 of the Penal Code, the “maximum term of imprisonment” is the longest term of imprisonment prescribed by law.

“Physical confinement” means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Youth Authority.

This section does not limit the power of the court to retain jurisdiction over a minor and to make appropriate orders pursuant to Section 727 for the period permitted by Section 607.

SEC. 11. Section 727.2 of the Welfare and Institutions Code is amended to read:

727.2. The purpose of this section is to provide a means to monitor the safety and well-being of every minor in foster care who has been declared a ward of the juvenile court pursuant to Section 601 or 602 and to ensure that everything reasonably possible is done to facilitate the safe and early return of the minor to his or her home or to establish an alternative permanent plan for the minor.

(a) If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the juvenile court shall order the probation department to ensure the provision of reunification services to facilitate the safe return of the minor to his or her home or the permanent placement of the minor, and to address the needs of the minor while in foster care, except as provided in subdivision (b) .

(b) Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence that one or more of the following is true:

(1) Reunification services were previously terminated for that parent or guardian, pursuant to Section 366.21 or 366.22, or not offered, pursuant to subdivision (b) of Section 361.5, in reference to the same minor.

(2) The parent has been convicted of any of the following:

(A) Murder of another child of the parent.

(B) Voluntary manslaughter of another child of the parent.

(C) Aiding or abetting, attempting, conspiring, or soliciting to commit that murder or manslaughter described in subparagraph (A) or (B).

(D) A felony assault that results in serious bodily injury to the minor or another child of the parent.

(3) The parental rights of the parent with respect to a sibling have been terminated involuntarily, and it is not in the best interest of the minor to reunify with his or her parent or legal guardian.

If no reunification services are offered to the parent or guardian, the permanency planning hearing, as described in Section 727.3, shall occur within 30 days of the date of the hearing at which the decision is made not to offer services.

(c) The status of every minor declared a ward and ordered to be placed in foster care shall be reviewed by the court no less frequently than once every six months. The six-month time periods shall be calculated from the date the minor entered foster care, as defined in paragraph (4) of subdivision (d) of Section 727.4. If the court so elects, the court may declare the hearing at which the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727 at the first status review hearing. It shall be the duty of the probation officer to prepare a written social study report including an updated case plan, pursuant to subdivision (b) of Section 706.5, and submit the report to the court prior to each status review hearing, pursuant to subdivision (b) of Section 727.4. The social study report shall include all reports the probation officer relied upon in making his or her recommendations.

(d) Prior to any status review hearing involving a minor in the physical custody of a community care facility or foster family

1 agency, the facility or agency may provide the probation officer
2 with a report containing its recommendations. Prior to any status
3 review hearing involving the physical custody of a foster parent,
4 relative caregiver, preadoptive parent, or legal guardian, that
5 person may present to the court a report containing his or her
6 recommendations. The court shall consider all reports and
7 recommendations filed pursuant to subdivision (c) and pursuant to
8 this subdivision.

9 (e) At any status review hearing prior to the first permanency
10 planning hearing, the court shall consider the safety of the minor
11 and make findings and orders which determine the following:

12 (1) The continuing necessity for and appropriateness of the
13 placement.

14 (2) The extent of the probation department's compliance with
15 the case plan in making reasonable efforts to safely return the
16 minor to the minor's home or to complete whatever steps are
17 necessary to finalize the permanent placement of the minor.

18 (3) Whether there should be any limitation on the right of the
19 parent or guardian to make educational decisions for the minor.
20 That limitation shall be specifically addressed in the court order
21 and may not exceed what is necessary to protect the minor. If the
22 court specifically limits the right of the parent or guardian to make
23 educational decisions for the minor, the court shall at the same time
24 appoint a responsible adult to make educational decisions for the
25 minor pursuant to Section 726.

26 (4) The extent of progress that has been made by the minor and
27 parent or guardian toward alleviating or mitigating the causes
28 necessitating placement in foster care.

29 (5) The likely date by which the minor may be returned to and
30 safely maintained in the home or placed for adoption, appointed
31 a legal guardian, permanently placed with a fit and willing relative
32 or referred to another planned permanent living arrangement.

33 (6) In the case of a minor who has reached 16 years of age, the
34 court shall, in addition, determine the services needed to assist the
35 minor to make the transition from foster care to independent
36 living.

37 The court shall make these determinations on a case-by-case
38 basis and reference in its written findings the probation officer's
39 report and any other evidence relied upon in reaching its decision.

1 (f) At any status review hearing prior to the first permanency
2 hearing, the court shall order return of the minor to the physical
3 custody of his or her parent or legal guardian unless the court finds,
4 by a preponderance of evidence, that the return of the minor to his
5 or her parent or legal guardian would create a substantial risk of
6 detriment to the safety, protection, or physical or emotional
7 well-being of the minor. The probation department shall have the
8 burden of establishing that detriment. In making its determination,
9 the court shall review and consider the social study report,
10 recommendations, and the case plan pursuant to subdivision (b) of
11 Section 706.5, the report and recommendations of any child
12 advocate appointed for the minor in the case, and any other reports
13 submitted to the court pursuant to subdivision (d), and shall
14 consider the efforts or progress, or both, demonstrated by the
15 minor and family and the extent to which the minor availed himself
16 or herself of the services provided.

17 (g) At all status review hearings subsequent to the first
18 permanency planning hearing, the court shall consider the safety
19 of the minor and make the findings and orders as described in
20 paragraphs (1), (2), (4), and (6) of subdivision (e). The court shall
21 either make a finding that the previously ordered permanent plan
22 continues to be appropriate or shall order that a new permanent
23 plan be adopted pursuant to subdivision (b) of Section 727.3.
24 However, the court shall not order a permanent plan of “return to
25 the physical custody of the parent or legal guardian after further
26 reunification services are offered,” as described in paragraph (2)
27 of subdivision (b) of Section 727.3.

28 (h) The status review hearings required by subdivision (c) may
29 be heard by an administrative review panel, provided that the
30 administrative panel meets all of the requirements listed in
31 subparagraph (B) of paragraph (7) of subdivision (d) of Section
32 727.4.

33 SEC. 12. Section 4570 of the Welfare and Institutions Code
34 is amended to read:

35 4570. (a) In order to remain informed regarding the quality
36 of services in the area and to protect the legal, civil, and service
37 rights of persons with developmental disabilities, the Legislature
38 finds that it is necessary to conduct life quality assessments with
39 consumers served by the regional centers.



1 (b) The department shall enter into an interagency agreement
2 with the state council, on behalf of the area boards, to conduct the
3 life quality assessments described in this section. This interagency
4 agreement shall include assurances that the state council shall not
5 direct the area boards in their conduct of these assessments or in
6 the content or format of the annual reports submitted to the council
7 by the area boards.

8 (c) Consistent with the responsibilities described in this
9 chapter, the area board, with the consent of the consumer and,
10 when appropriate, a family member, shall conduct life quality
11 assessments with consumers living in out-of-home placements,
12 supported living arrangements, or independent living
13 arrangements no less than once every three years or more
14 frequently upon the request of a consumer, or, when appropriate,
15 a family member. If a consumer who is eligible to receive a life
16 quality assessment is a dependent of a juvenile court pursuant to
17 Section 300, 601, or 602, the assessment may be conducted with
18 the consent of the court or social services agency. A regional center
19 or the department shall annually provide the local area board with
20 a list, including, but not limited to, the name, address, and
21 telephone number of each consumer, and, when appropriate, a
22 family member, the consumer's date of birth, and the consumer's
23 case manager, for all consumers living in out-of-home placements,
24 supported living arrangements, or independent living
25 arrangements, in order to facilitate area board contact with
26 consumers and, when appropriate, family members, for the
27 purpose of conducting life quality assessments.

28 (d) The life quality assessments shall be conducted by utilizing
29 the "Looking at Life Quality Handbook" or subsequent revisions
30 developed by the department.

31 (e) The assessments shall be conducted by consumers, families,
32 providers, and others, including volunteer surveyors. Each area
33 board shall recruit, train, supervise, and coordinate surveyors.
34 Upon request, and if feasible, the area board shall respect the
35 request of a consumer and, when appropriate, family member, for
36 a specific surveyor to conduct the life quality assessment. An area
37 board may provide stipends to surveyors.

38 (f) A life quality assessment shall be conducted within 90 days
39 prior to a consumer's triennial individual program plan meeting,

1 so that the consumer and regional center may use this information
2 as part of the planning process.

3 (g) Prior to conducting a life quality assessment, the area board
4 shall meet with the regional center to coordinate the exchange of
5 appropriate information necessary to conduct the assessment and
6 ensure timely followup to identified violations of any legal, civil,
7 or service rights.

8 (h) Following the completion of each life quality assessment,
9 the area board shall develop a report of its findings and provide a
10 copy of the report to the consumer, when appropriate, family
11 members, and the regional center providing case management
12 services to the consumer. A copy of the life quality assessment of
13 a consumer who is a dependent of a juvenile court pursuant to
14 Section 300, 601, or 602 shall be provided, upon request, to the
15 court or social services agency. In the event that a report identifies
16 alleged violations of any legal, civil, or service right, the area
17 board shall notify the regional center and the department of the
18 alleged violation. The department shall monitor the regional
19 center to ensure that violations are addressed and resolved in a
20 timely manner.

21 (i) Regional centers shall review information from the life
22 quality assessments on a systemic basis in order to identify training
23 and resource development needs.

24 (j) (1) On an annual basis, each area board shall prepare and
25 submit a report to the state council describing its activities and
26 accomplishments related to the implementation of this section.
27 The report shall include, but not be limited to, the number of life
28 quality assessments conducted, the number of surveyors,
29 including those provided stipends, a description of the surveyor
30 recruitment process and training program, including any barriers
31 to recruitment, the number, nature, and outcome of any identified
32 violations of legal, civil, or service rights reported to regional
33 centers, and recommendations for improvement in the life quality
34 assessment process.

35 (2) By September 15 of each year, the state council shall
36 compile these reports and forward to the Governor, the
37 Legislature, and the department.

38 (k) Implementation of this section shall be subject to an annual
39 appropriation of funds in the Budget Act for this purpose.

1 SEC. 13. Section 16000 of the Welfare and Institutions Code
2 is amended to read:

3 16000. (a) It is the intent of the Legislature to preserve and
4 strengthen a child's family ties whenever possible, removing the
5 child from the custody of his or her parents only when necessary
6 for his or her welfare or for the safety and protection of the public.
7 If a child is removed from the physical custody of his or her
8 parents, preferential consideration shall be given whenever
9 possible to the placement of the child with the relative as required
10 by Section 7950 of the Family Code. If the child is removed from
11 his or her own family, it is the purpose of this chapter to secure as
12 nearly as possible for the child the custody, care, and discipline
13 equivalent to that which should have been given to the child by his
14 or her parents. It is further the intent of the Legislature to reaffirm
15 its commitment to children who are in out-of-home placement to
16 live in the least restrictive, most familylike setting and to live as
17 close to the child's family as possible pursuant to subdivision (c)
18 of Section 16501.1. Family reunification services shall be
19 provided for expeditious reunification of the child with his or her
20 family, as required by law. If reunification is not possible or likely,
21 a permanent alternative shall be developed.

22 (b) It is further the intent of the Legislature to ensure that all
23 pupils in foster care and those who are homeless as defined by the
24 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
25 Sec. 11301 et seq.) have the opportunity to meet the challenging
26 state pupil academic achievement standards to which all pupils are
27 held. In fulfilling their responsibilities to pupils in foster care,
28 educators, *county* placing agencies, care providers, advocates, and
29 the juvenile courts shall work together to maintain stable school
30 placements and to ensure that each pupil is placed in the least
31 restrictive educational programs, and has access to the academic
32 resources, services, and extracurricular and enrichment activities
33 that are available to all pupils. In all instances, educational and
34 school placement decisions must be based on the best interests of
35 the child.

36 SEC. 14. Notwithstanding Section 17610 of the Government
37 Code, if the Commission on State Mandates determines that this
38 act contains costs mandated by the state, reimbursement to local
39 agencies and school districts for those costs shall be made pursuant
40 to Part 7 (commencing with Section 17500) of Division 4 of Title

1 2 of the Government Code. If the statewide cost of the claim for
2 reimbursement does not exceed one million dollars (\$1,000,000),
3 reimbursement shall be made from the State Mandates Claims
4 Fund.

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